

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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T NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION	D =
	CLASS	SUBCLASS	EXAMINER	ART UNIT
12546.2USC4	435	006000	C. MYERS	1634

CERTIFICATE UNDER 37 CFR 1.10:

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Date of Deposit: September 24, 2003

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name: Teresa Anderson

## CONTINUATION APPLICATION UNDER 37 C.F.R. § 1.53(b)

Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a continuation application under 37 CFR § 1.53(b) of Serial No. 09/863,086, filed on May 22, 2001 Intitled HYBRIDIZATION PROBES DERIVED FROM THE SPACER REGION BETWEEN THE 16S AND 23S RRNA GENES FOR THE DETECTION OF NON-VIRAL MICROORGANISMS by the following inventor(s):

Full Name	Family Name	First Given Name	Second Given Name
Of Inventor	Rossai	Rudi	
Residence	City	State or Foreign Country	Country of Citizenship
& Citizenship	Ekeren	Belgium	Belgium
Post Office	Post Office Address	City	State & Zip Code/Country
Address	Wilgehoevestraat 45	Ekeren	2070 Belgium
Full Name	Family Name	First Given Name	Second Given Name
Of Inventor	Van Heuverswyn	Hugo	
Residence	City	State or Foreign Country	Country of Citizenship
& Citizenship	Laarne	Belgium	Belgium
Post Office	Post Office Address	City	State & Zip Code/Country
Address	Colmanstraat 62	Laarne	9288 Belgium

- Enclosed is a copy of the prior application; including the specification, claims, drawings, a signed oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The continuing application is as follows: 69 pages of specification, 40 claims, 1 page of abstract, 10 sheets of drawings, and 2 pages of oath or declaration.
  - The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

- 2. Cancel original claims 7-40 without prejudice of this application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- 3. The filing fee is calculated below:

## **CLAIMS AS FILED**

NUMBER FILED		NUMBER EXTRA	_	RATE	FEE
TOTAL CLAIMS:	20				
0	-20	0	x	\$18.00	0.00
INDEPENDENT CLAIMS			•		
3	-3	0	x	\$84.00	0.00
				BASIC FILING FEE:	\$740.00
				TOTAL FILING FEE:	740.00

		Small entity status is claimed pursuant to 37 CFR 1.27.
4.		Payment of fees:  ☐ Attached is a check in the amount of 740.00 ☐ Please charge Deposit Account No. 13-2725.
5.	$\boxtimes$	The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.
6. Amend the		Amend the specification by inserting before the first line the sentence:
		"This application is a Continuation of application Serial No. 09/863,086, filed May 22, 2001, which is a continuation of application Serial No. 09/312,520, filed May 14, 1999, which is a Continuation of application Serial No. 08/635,761, filed April 22, 1996, now issued U.S. Patent No. 6,277,577 which is a Continuation of application Serial No. 08/412,614, filed March 29, 1995, now issued U.S. Patent No. 5,536,638, which is a File Wrapper Continuation of application Serial No. 07/965,394, filed December 17, 1992, which applications are incorporated herein by reference."
7.	$\boxtimes$	A set of formal drawings (10 sheets) is enclosed.
8.	$\boxtimes$	Priority of application Serial No. 90 401 054.3, filed on April 18, 1990 in Great Britain, is claimed under 35 U.S.C. 119.
	$\boxtimes$	The certified copy has been filed in prior application Serial No. 09/863,086, filed May 22, 2001.
9.	$\boxtimes$	The prior application is assigned of record to N.V. Innogenetics S.A. located at Belgium.
10.	$\boxtimes$	The Power of Attorney in the prior application is to:

Merchant & Gould P.C. Minneapolis, MN 55402-2215

11.	A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)					
		Fee for excess claims is attached.				
12.		A petition and fee has been filed to extend the term in the prior application until. A copy of the petition for extension of time in the prior application is attached.				
13.		The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:				
14.		A Nonpublication Request under 37 CFR	1.213(a) is enclosed.			
15.	$\boxtimes$	Also Enclosed: COMMUNICATION PURSUANT TO 37 CFR §1.821(e)				
16.	$\boxtimes$	Also Enclosed: COMMUNICATION RE: SEQUENCE LISTING				
17.	$\boxtimes$	Address all future communications to the or agent of record) at the address below.	Attention of Rebecca A. Bortolotti (may	only be completed by attorney		
18.	$\boxtimes$	A return postcard is enclosed.				
			Respectfully submitted,			
			MERCHANT & GOULD P.C. P.O. Box 2903 Minneapolis, MN 55402-0903 612.332.5300	23552 PATENT TRADEMARK OFFICE		
Date:	9/2	25/03	Rebecca A. Bortolotti Reg. No. 51,488 RABORTOLOTTI:rlr			